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EXAMINER	
NGUYEN, DUSTIN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/488,395	Applicant(s) SITARAMAN ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 55 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-55 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-46 of copending Application No. 09/488394 [hereinafter '394 application]. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Taking claim 1 as an exemplary claim, the '394 application contains the subject matter claimed in the instant application. As per claim 1, both applications are claiming common subject matter, as follows:

A system for identifying a subscriber, comprising:

an access server ...;

a memory coupled to the access server ...; and

a processor couple to the memory and operable to determine subscriber information for communication to the particular subscriber based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.

The claim of instant application do not specifically state the communication between the first communication network and the second communication network as described in the claim 1 of the '394 application but it would have been obvious to a person skill in the art to recognize that the two claims are similar because a communication network includes many network segments, data communicates between different network segments; Also by adding another network segment into the communication network as claimed would create another network segment, which is the same as communication between first and second communication networks as claimed in '394.

As per independent claims 11, 18, 26, 32, 36, and 40, they are also directed to the same subject matter recited in claim 1 above. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

As per dependent claims 2-10, 12-17, 19-25, 27-31, 33-35, 37-39, and 41-46 of the '394 application, they contain similar subject matter as claims 2-11, 13-19, 21-29, 32-37,39-42, 44-47, and 49-55 of instant application. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19, 30-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

I.	the subscriber	-	claims 1, 12, 30, 48.
II.	the particular virtual circuit	-	claims 1, 3, 5, 8, 12-14, 16, 30-32, 34, 38, 40, 43, 45, 48-50, 52.
III.	the particular subscriber	-	claims 12-19, 30-37, 43-45, 48-55.
IV.	the particular access server	-	claims 13, 14, 31, 49, 50.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-5, 10, 12-15, 18, 20-23, 28, 30-33, 36, 38-40, 43-45, 48-51, and 54, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Jr. et al. [US Patent No 5115427], in view of Spiegel et al. [US Patent No 5649108].

8. As per claim 1, Johnson discloses the invention substantially as claimed including a system for determining subscriber information, comprising:

an access server coupled to a plurality of subscribers using a communication network [501, 1000, 6000, Figure 1; and col 4, lines 7-20] and operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the communication network [col 2, lines 66-col 3, lines 17; and col 5, lines 63-67];

a memory coupled to the access server [17, Figure 2] and operable to store subscriber information for the subscribers [col 6, lines 49-61];

a processor coupled to the memory [6001, Figure 2] and operable to determine subscriber information for communication to the particular subscriber [col 2, lines 31-38] based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber [col 7, lines 4-47].

Johnson does not disclose wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber.

Spiegel discloses wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber [col 7, lines 13-17; and col 8, lines 43-49].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson and Spiegel because Spiegel's teaching would allow data to be stored in memory for later access, which increases the system performance.

9. As per claim 2, Johnson discloses

the access server comprises one of a plurality of access servers coupled to the processor [501, 1000, 6000, Figure 1]; and

the path information further identifies an access server assigned to the particular subscriber [col 3, lines 19-27],

the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber [col 9, lines 37-62].

10. As per claim 3, Johnson discloses the access server comprises

an interface coupled to the particular subscriber using the particular virtual circuit [6003, Figure 4]; and

a controller coupled to the interface [6006, Figure 4] and operable to communicate a request identifying the particular virtual circuit that couples the interface and the particular subscriber [col 10, lines 18-40].

11. As per claim 4, Johnson does not disclose the interface comprises a plurality of network line cards; the path information further identifies a network line card assigned to the particular

subscriber; and the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber. Spiegel discloses the interface comprises a plurality of network line cards [10, Figure 1]; the path information further identifies a network line card assigned to the particular subscriber [col 6, lines 14-22]; and the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber [col 6, lines 23-53]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson and Spiegel because Spiegel's teaching would provide scalability to the system.

12. As per claim 5, Johnson discloses the request comprises:

interface information identifying the interface coupled to the particular subscriber [col 6, lines 66-col 7, lines 3];

virtual circuit information identifying the particular virtual circuit [col 6, lines 52-63].

access server information identifying the access server [col 7, lines 6-18];

13. As per claim 10, Johnson discloses the subscriber information comprises information used to configure a communication device associated with the particular subscriber [col 2, lines 43-53].

14. As per claims 12-15, and 18, they are method claimed of claims 1-4, and 10, they are rejected for similar reasons as stated above in claims 1-4, and 10.

15. As per claims 20-22, they are rejected for similar reasons as stated above in claims 1, 2, and 4, respectively.

16. As per claim 23, it is rejected for similar reasons as stated above in claim 5.

17. As per claim 28, it is rejected for similar reason as stated above in claim 10.

18. As per claims 30-33, they are rejected for similar reasons as stated above in claims 1-4.

19. As per claim 36, it is rejected for similar reason as stated above in claim 10.

20. As per claims 38 and 43, they are rejected for similar reasons as stated above in claims 1 and 3.

21. As per claims 39 and 44, they are rejected for similar reasons as stated above in claim 4.

22. As per claims 40 and 45, they are rejected for similar reasons as stated above in claim 5.

23. As per claims 48-51, they are rejected for similar reasons as stated above in claims 1-4.

24. As per claim 54, it is rejected for similar reason as stated above in claim 10.

25. Claims 6, 7, 11, 19, 24, 25, 29, 37, 41, 42, 46, 47 and 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Jr. et al. [US Patent No 5115427], in view of Spiegel et al. [US Patent No 5649108], and further in view of Benash et al. [US Patent No 6084892].

26. As per claim 6, Johnson and Spiegel do not disclose the request comprises a RADIUS protocol request. Benash discloses the request comprises a RADIUS protocol request [col 10, line 19-22]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson, Spiegel and Benash because Benash's teaching of RADIUS protocol would add another level of security protection to keep the data integrity and to increase the value of the system.

27. As per claim 7, Johnson and Spiegel do not disclose the request comprises a trivial file transfer protocol request. Benash discloses the request comprises a trivial file transfer protocol request [col 4, line 44-45]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson, Spiegel and Benash because Benash's teaching of file transfer would allow different types of data to carry across the system, which help to utilize the full capacity of the system.

28. As per claim 11, Johnson and Spiegel do not disclose the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber. Benash discloses the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber [col 6, lines 57-65]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson, Spiegel and Benash because Benash's teaching would allow information to properly communicate between sender and receiver in data communication network.

29. As per claims 19, 24, 25, 29, 37, 41, 42, 46, 47, and 55, they are rejected for similar reasons as stated above in claims 6, 7 and 11.

30. Claims 8, 9, 16, 17, 26, 27, 34, 35, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Jr. et al. [US Patent No 5115427], in view of Spiegel et al. [US Patent No 5649108], and further in view of Sakauchi [US Patent No 5239537].

31. As per claim 8, Johnson discloses the particular virtual circuit is associated with the particular subscriber using a virtual channel identifier [col 2, lines 44-53]. Johnson and Spiegel do not disclose the virtual path identifier. Sakauchi discloses the virtual path identifier [Abstract]. It would have been obvious to a person skill in the art at the time the invention was made to

combine the teaching of Johnson, Spiegel and Sakauchi because Sakauchi's path identifier would allow the system to correctly configure and adjust path for the virtual circuit.

32. As per claim 9, Johnson discloses the path information comprises a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber [col 4, lines 45-50]. Johnson and Spiegel do not disclose the virtual path identifier. Sakauchi discloses the virtual path identifier [col 2, lines 7-28]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson, Spiegel and Sakauchi because Sakauchi's path identifier would allow the system to correctly configure and adjust path for the virtual circuit.

33. As per claims 16, 17, 26, 27, 34, 35, 52 and 53, they are method claimed of claims 8 and 9, they are rejected for similar reasons as stated above in claims 8 and 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

ZARNI MAUNG
PRIMARY EXAMINER